

NATIONAL RAILROAD PASSENGER
CORPORATION,

V.

ARCH SPECIALTY INSURANCE COMPANY;
ASPEN SPECIALTY INSURANCE COMPANY;
COMMONWEALTH INSURANCE COMPANY;
FEDERAL INSURANCE COMPANY; LEXINGTON
INSURANCE COMPANY; LIBERTY MUTUAL FIRE
INSURANCE COMPANY; CERTAIN
UNDERWRITERS AT LLOYD'S OF LONDON and
CERTAIN LONDON MARKET COMPANIES
Subscribing to Policy Nos. 507/N11NA08240,
507/N11NA08241, 507/N11NA08242,
507/N11NA08244, 507/N11NA08244,
507/N11NA08245 and GEP 2944; MAIDEN
SPECIALTY INSURANCE COMPANY; MAXUM
INDEMNITY COMPANY; NAVIGATORS
INSURANCE COMPANY; PARTNER
REINSURANCE EUROPE plc; RSUI INDEMNITY
COMPANY; STEADFAST INSURANCE COMPANY;
TORUS SPECIALTY INSURANCE COMPANY; and
WESTPORT INSURANCE CORPORATION,

Defendants.

No. 14 Civ. 7510 (JSR)

PLEASE TAKE NOTICE that, upon the exhibits hereto, the accompanying memorandum of law, and all prior pleadings and proceedings in this matter, Defendants Arch Specialty Insurance Company, Aspen Specialty Insurance Company, Commonwealth Insurance Company, Federal Insurance Company, Lexington Insurance Company, Liberty Mutual Fire Insurance Company, Certain Underwriters at Lloyd's of London, and Certain London Market Companies Subscribing to

Policy Nos. 507/N11NA08240, 507/N11NA08241, 507/N11NA08242, 507/N11NA08244, 507/N11NA08244, 507/N11NA08245 and GEP 2944, Maiden Specialty Insurance Company, Maxum Indemnity Company, Navigators Insurance Company, Partner Reinsurance Europe plc, RSUI Indemnity Company, Steadfast Insurance Company, Torus Specialty Company, and Westport Insurance Corporation, hereby move this Court, before the Honorable Jed. S. Rakoff, United States Courthouse for the Southern District of New York, Room 14-B, 500 Pearl Street, New York, New York 10007, pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (the “Hague Convention”), 23 U.S.T. 2555, Federal Rule of Civil Procedure 28(b)(2), and 28 U.S.C. § 1781(b)(2), for an order directing the issuance of a Letter of Request (the “Request”), in the form attached hereto as Exhibit 1 to the Declaration of Catherine Mondell, enabling Defendants to obtain the following evidence in England: the production of documents from Price Forbes & Partners, Ltd. (“Price Forbes”) and the taking of the depositions of Charlotte Todd, James Masterton, Stephen Oakley, Tim Savill, Malcolm Goddard, and/or any other current or former executive or employee of Price Forbes most knowledgeable about the matters identified in the Request.

PLEASE TAKE FURTHER NOTICE that, during a joint conference call on December 29, 2014 attended by counsel for the parties, the Court granted Defendants leave to file the present motion. No briefing schedule was set on the motion because Plaintiff indicated it would not oppose the motion. No oral argument has been set by the Court.

Dated: New York, New York
January 2, 2015

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Attorneys for Defendants Partner Reinsurance Europe plc, Torus Specialty Insurance Company, Westport Insurance Corporation, and Certain Underwriters at Lloyd's of London and Certain London Market Insurance Companies subscribing to Policy Nos. GEP 2944, 507/N11NA08242, 507/N11NA08244, and 507/N11NA08244.

All other signatories listed, and on whose behalf the filing is submitted, consent to its filing.

MOUND COTTON WOLLAN & GREENGRASS

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Attorneys for Defendants Commonwealth Insurance Company, Lexington Insurance Company, Maiden Specialty Insurance Company, Steadfast Insurance Company, and International Insurance Company of Hannover SE.

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Attorneys for Defendants Arch Specialty Insurance Company, Aspen Specialty Insurance Company, Federal Insurance Company, Certain Underwriters at Lloyd's of London and Certain London Market Insurance Companies subscribing to Policy Nos.

507/N11NA08240 and 507/N11NA08241, Maxum Indemnity Company, Navigators Insurance Company, and RSUI Indemnity Company.

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